

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Pablo Emiliano Suescun

v.

Case No. 23-cv-168-PB

FCI Berlin, Warden

ORDER

No objection having been filed, I herewith approve the Endorsed Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated June 29, 2023, grant the motion for summary judgment (Doc. No. 6) and dismiss the petition without prejudice to the petitioner's ability to file a new petition after he has fully exhausted his BOP remedies. The clerk of court shall enter judgment and close the case.

“`[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.’”
School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

/s/Paul Barbadoro
Paul J. Barbadoro
United States District Judge

Date: July 24, 2023

cc: Pablo Emiliano Suescun, pro se
Michael McCormack, AUSA